

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF A PROTEST FILED ON)	
JANUARY 14, 2004 BY KIRKWOOD MOTORS,)	
INC., AGAINST THE PROPOSED RELOCATION)	
BY THE DAIMLERCHRYSLER MOTORS)	PSC DOCKET NO. 04-13MV
COMPANY, LLC, OF A DODGE DEALERSHIP)	
IN NEW CASTLE COUNTY, DELAWARE)	
(FILED JANUARY 14, 2004))	

ORDER NO. 6395

This 20th day of April, 2004, the Commission determines and Orders the following:

1. On December 22, 2003, DaimlerChrysler Motors Company, LLC ("DCMC"), filed a notice of its intent to relocate a Dodge new vehicle dealership near New Castle, New Castle County, Delaware. On January 14, 2004, Kirkwood Motors, Inc. ("Kirkwood Dodge"), filed a protest under 6 Del. C. § 4915(a). After the Commission issued a procedural directive (PSC Order No. 6352 (Feb. 10, 2004)) related to the initial protest, DCMC re-noticed its proposed relocation (February 26, 2004) and Kirkwood Dodge re-filed its protest (March 4, 2004).

2. On April 8, 2004, Kirkwood Dodge filed a letter reporting that it was withdrawing its protest to the relocation noticed by DCMC. Consequently, there is no longer any protest pending against the relocation noticed by DCMC on December 22, 2003 and re-noticed on February 26, 2004. In light of that, the proscription against the proposed relocation, commanded by 6 Del. C. § 4193(a), and recited in Ordering ¶ 3 of Order No. 6352, no longer prevails.

Now, therefore, **IT IS ORDERED:**

1. That Ordering Paragraph 3 of PSC Order No. 6352 (Feb. 10, 2004) is no longer in force or effect as of this date.

2. That, in the absence of a continuing protest, this docket is now closed and all proceedings contemplated by PSC Order No. 6352 (Feb. 10, 2004) are hereby vacated.

3. That the Commission reserves the jurisdiction and authority to enter such other or further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Donald J. Puglisi
Commissioner

/s/ Jaymes B. Lester
Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary